Ontario Environmental Assessment Advisory Committee

8th and 9th Annual Reports

1990 - 1991
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8th and 9th ANNUAL REPORTS

ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

Covering the periods

April 1, 1990 - March 31, 1991

April 1, 1991 - March 31, 1992

Dr. Philip H. Byer, Chair
Dr. Robert B. Gibson, Member
Ms Christine S. Lucyk, Member

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COMMENTS BY THE COMMITTEE

The Ontario Environmental Assessment Advisory Committee provides advice to the Minister of the Environment on whether specific projects should be subject to the requirements of the Environmental Assessment Act and on other EA-related matters. The Committee, consisting of three members selected from outside the government, was established in 1983 to increase public input into the Minister's decisions on these matters.

The Committee has had a challenging and busy two years since our last bi-annual report. Our review of the Environmental Assessment program in Ontario, which addressed both legislative and administrative reforms, was opportune in that it coincided with increasing demands by the public to participate in environmental decision making. Many members of the public have been reconsidering their assumptions about environmental planning in Ontario and have been actively challenging the adequacy of present practices and procedures to address what they see as diminishing environmental resources. At the same time, many agencies and private sector companies have been trying to come to terms with the need to protect the environment while at the same time implementing their programs efficiently and effectively during a recession. These forces are often in conflict. The review of the EA program provided an opportunity for a serious reconsideration of environmental decision making under the EA Act and how it can be made more efficient without jeopardizing the fundamental principles needed to protect the environment and to include the public effectively and fairly in this decision making process.

Our other referrals have also raised significant issues that were not only case specific but also representative of more generic issues related to environmental planning in Ontario. These have included questions of how we protect significant environmental resources through the existing land use planning and approval processes. Our referrals concerning environmental planning and approvals in Grey County (no. 41), development of the Eagle Creek golf course adjacent to a wetland (no. 44) and an Official Plan Amendment for an area on the Oak Ridges Moraine (no. 49) demonstrated the need for more rigorous review and approval procedures in order to ensure the identification and protection of significant environmental resources. The recently announced Wetlands Policy Statement under the Planning Act is an example of a mechanism intended to provide increased protection for important environmental features.

Timber management in Ontario has been controversial for many years. Concerns have been raised by the public about timber management practices and how they impact on the sustainability of forests, wildlife, wildlife habitat and other forest uses such as tourism operations and provincial parks. While many of these issues are being addressed by the

Environmental Assessment Board hearing on the Class Environmental Assessment for Timber Management, the Committee was asked to provide interim guidance on some local timber management plans until a decision on the Class EA is made (expected in late 1993). We reviewed three individual cases which involved conflicts between timber activities and cottagers and between timber activities and remote tourism operations. In addition, we reviewed the Exemption Order under the EA Act which provides the direction to the Ministry of Natural Resources on how it may undertake timber management activities without an environmental assessment.

Another important part of the EA program is the use of two class EAs which apply to municipal road, water and sewage projects. These class EAs cover numerous municipal undertakings which together, and often individually, are environmentally significant. Many of these projects raise local concerns which can result in requests to the Minister to "bump up" the project to a require an individual EA. In our previous annual report, we summarized a referral (no. 42) where we had evaluated these class EAs. Since then, the Municipal Engineers' Association has revised the class EAs and submitted them for approval to the Minister. Following a public review, concerns were raised about bump-up procedures and the inclusion under the class EAs of both large municipal projects and infrastructure projects undertaken by private sector developers. In order to be able to address these concerns, the Minister has extended the current municipal class EAs until May 1993. In addition, the Commission on Planning and Development Reform in Ontario is looking into mechanisms to coordinate more effectively decision making on municipal infrastructure with land development decisions.

In addition, both the EA Branch of the Ministry and the Environmental Assessment Board have been actively working on administrative improvements to the EA program and Board hearings.

With all of these activities, the EA program is at a cross-roads. The Committee is confident that, with a commitment to the principles of environmental assessment and proper legislative and administrative reforms, the EA program can be effective, fair and efficient.

Finally, the Committee is proud to have received the J.R. Dymond Public Service Award from the Federation of Ontario Naturalists in 1992 "in recognition of distinguished public service resulting in exceptional environmental achievement."

ENVIRONMENTAL ASSESSMENT ACT

The Environmental Assessment Act requires the proponent of a proposed undertaking to follow a planning process which addresses potential environmental concerns. The proponent must prepare a document called an environmental assessment which describes the purpose of and rationale for the undertaking, potential environmental effects of the undertaking and alternatives to it, and ways of mitigating adverse environmental impacts. Under the Act, there is a formal review of this document by the government, and the public may also review it and request a hearing on the matter before the Environmental Assessment Board.

The Environmental Assessment Act requires that environmental assessments be prepared for all public sector undertakings, which include activities, plans and programs of the Ontario Government, municipalities, and other public bodies such as Ontario Hydro and conservation authorities. A public sector proponent may, however, make a request to the Minister of the Environment to exempt a public undertaking from the requirements of the Act.

Private sector undertakings are subject to the requirements of the Act only when specifically designated. Individuals or groups may request the designation of a private sector undertaking. The Minister's decision to exempt or designate an undertaking is subject to the approval of Cabinet.

Some undertakings are subject to what is called a class environmental assessment which sets out a more streamlined planning process for a class of undertakings which have common characteristics, occur frequently, and generally have predictable and relatively minor impacts. Class environmental assessments generally have a provision which gives the public the right to request that an undertaking be "bumped-up" to a full, individual environmental assessment. If such a request is made, the Minister must decide whether to grant or refuse the request.

ROLE OF THE COMMITTEE

Upon receipt of a request for exemption, designation, or bump-up, the Minister may seek the advice of the Committee by referring the matter to the Committee. The Minister may also seek the Committee's advice on other matters relating to environmental assessment in Ontario. When the Committee receives a referral, it carries out a review of the request and reports to the Minister with its recommendations.

When referring a matter to the Committee, the Minister indicates which one of the following types of review is to be undertaken.

Open Review - The Committee gives public notice to and requests submissions from a wide range of interested groups, individuals and government agencies.

Defined Review - Public notice and consultation are limited to affected groups and individuals selected by the Minister and by the Committee.

Internal Review - There is no public notice or consultation.

In Open and Defined Reviews, the Committee generally holds a public meeting(s) in the evening near the location of the proposed undertaking. The Committee's public meetings allow for the proponent, government agencies, and public to make oral submissions to the Committee in a non-judicial setting. The Committee also invites written submissions.

The Committee normally reports to the Minister within six to ten weeks after receiving a referral.

In its reports to the Minister, the Committee considers reasons for or against an environmental assessment provided by the proponent, government agencies and the public. The Committee generally reviews the following issues:

- the potential environmental impacts of the undertaking;
- whether there are reasonable alternatives to the undertaking;
- the adequacy of other statutory approvals as a means of addressing environmental concerns;
- other opportunities for public input; and
- the urgency of proceeding with the undertaking.

The Committee does not take a position on whether or not the undertaking should be approved; instead, it recommends whether or not the use of the Environmental Assessment Act is appropriate. The Committee may, in some circumstances, work with the parties to develop terms and conditions which may become the basis for approval of a project without requiring an individual environmental assessment. The Committee's report is made public at the time the Minister makes a decision.

The Committee maintains a list of referrals and a public file for each referral. Copies of each of the Committee's reports to the Minister are available to the public on request.

The Committee also monitors and maintains a list of all exemption, designation and bump-up requests and the Minister's decisions on them. This list is also available to the public on request.

MEMBERSHIP & OPERATION OF THE COMMITTEE

The Committee consists of three part-time members, including a chair, who are appointed by the Minister of the Environment through an Order in Council.

Dr. Philip Byer has served as a member of the Committee since October 1985 and was appointed chair of the Committee in November 1986. Dr. Byer is an Associate Professor in the Department of Civil Engineering and the Institute for Environmental Studies at the University of Toronto. He is a professional engineer with expertise in waste management and in project evaluation in the environmental and transportation fields.

Dr. Robert Gibson has been a member of the Committee since October 1985. He is an Associate Professor in the Department of Environment and Resource Studies at the University of Waterloo. His work has centered on environmental ideology, policy and regulatory issues. Dr. Gibson co-directed an intensive study, published in 1986, of the environmental assessment process in Ontario.

Ms. Christine Lucyk was appointed as a member in November 1986. She has worked for both government and consulting firms as a specialist in economic analysis relating to resource management, land development and waste diversion. She is now a private consultant on environmental matters and teaches land resource economics at York University.

The Committee operates with the assistance of a senior researcher/co-ordinator and an administrative assistant. The Committee's Senior Researcher/Co-ordinator is Ms. Pam Wheaton, a planner with a background in environmental issues. The Administrative Assistant to the Committee is Ms. Trish Shayne.

The operating cost of the Committee during the 1990-91 reporting year was $201,685, and during 1991-92 was $213,552. The chair and members are paid for their committee work at per diem rates of $270 and $180 respectively.

MINISTER'S DECISIONS IN 1990-92 ON PREVIOUS REFERRALS

During 1990-92, the Minister announced decisions concerning five referrals which had come to the Committee prior to April 1, 1990 but for which decisions had not been made at the time of our last annual report. The following are updates on these referrals including the Minister's decisions on our recommendations.

Referral No. 38 - The Adequacy of the Existing Environmental Planning and Approvals Process for the Ganaraska Watershed

The Committee was asked in July 1989 to review the adequacy of the existing

environmental planning and approvals process to protect the Ganaraska River watershed in view of potential development in the area. The referral arose from designation requests by local residents concerned about development in this area of Durham Region.

On November 15, 1989, the Committee submitted its report to the Minister with fourteen recommendations concerning environmental planning and approvals in the Ganaraska Watershed and across the Oak Ridges Moraine more generally. Our report and recommendations are summarized in our last annual report. In December 1989, the Minister released the report for public comment and received about sixty responses.

On January 22, 1992, the Minister announced the following in response to our recommendations:

- the recommended reforms to the planning and approvals process would be considered by the recently established Commission on Planning and Development Reform in Ontario;
- the Minister supports the use of environmental inventories in land use planning and will urge the Minister of Municipal Affairs to require the preparation and use of inventories in the land use planning process across the province including at the Official Plan stage;
- the newly developed Implementation Guidelines, Provincial Interest on the Oak Ridges Moraine Area of the Greater Toronto Area will serve to protect the Moraine in the short term while a long-term strategy is developed; and
- staff of the Ministry of Environment will be required to consider the potential cumulative impacts associated with development applications on the Moraine, and clear guidelines to assist staff will be developed as well as a Ministry policy regarding cumulative impact assessment.

Referral No. 41 - The Adequacy of the Existing Environmental Planning and Approvals Process in Grey County

The Committee was asked in November 1989 to to review the adequacy of the existing planning and approvals process to address environmental concerns arising from land development in Grey County. Concerns had been raised by local citizens about the inadequate and unfair process for reviewing development applications in the County including reviews by both the County and provincial agencies. There were also competing views about the need for long-term land use and environmental resource planning for Grey County.

The Committee's report, which was submitted to the Minister on December 28, 1990, contained eighteen recommendations covering the following matters:

- provincial review of development applications in the County;
- Grey County review of development applications;
- the need for a comprehensive study of environmental resources in the County;
- the need for evaluation of alternative development patterns in the County;
- the need to revise the County Official Plan; and
- the need for a comprehensive public review of land use planning and approvals in the province.

On May 14, 1991, the Minister, in a joint decision with the Minister of Municipal Affairs, announced that Grey County would be required to develop a new County Official Plan and that consents in Grey County would be restricted. The broader recommendations by the Committee are being considered by the Commission on Planning and Development Reform in Ontario.

Referral No. 43 - Extension of Approval of the Class EA for Water Management Structures by Conservation Authorities

The Committee was asked in January 1990 to consider whether the Class Environmental Assessment for Water Management Structures should be extended for another five year period, and what changes if any should be made to the Class EA. The current Class EA applies to projects, undertaken by conservation authorities and municipalities, which address problems associated with flooding, erosion, and sedimentation and having construction costs between $175,000 and $2.7 million. No environmental assessment is required for projects with construction costs less than $175,000 while individual assessments are required for projects with construction costs over $2.7 million.

On June 22, 1990, the Committee submitted its report recommending the following:

- a new Class EA should be developed;
- in the interim, the existing Class EA should be extended until no later than December 1992 with amendments in four areas - public involvement, consideration of nonstructural alternatives, acknowledgement of the environmental significance of impacts and monitoring of impacts;
- ACAO and MOE should develop these amendments in consultation with submitters; and
- all conservation authorities should be required to have watershed plans developed and approved under the EA Act, and these plans should be incorporated into the land use planning process.

On September 6, 1990, the previous Minister announced his decision to adopt the first three recommendations in principle. He also stated that the Ministries of Natural Resources and Municipal Affairs would be contacted to further study our fourth recommendation.

Referral No. 44 - Eagle Creek Golf Course & Subdivision in West Carleton - Requests for Designation

The Committee was asked in January 1990 to review requests from the public for an environmental assessment of the 123 hectare Eagle Creek Golf Course and Subdivision in the Township of West Carleton. Concerns had been raised about the potential negative impacts of the golf course on the adjacent, provincially significant Constance Creek Wetland due to the use of chemicals on the golf course and the infilling of part of the wetland by the developer. Since the Ontario Municipal Board was conducting a hearing in the spring of 1990 on the rezoning of the site and conditions of draft plan approval for the development, the Committee submitted an interim report to the Minister on April 23 stating that it would wait until the OMB made a decision under the Planning Act before continuing with the referral.

Following the OMB's decision in August 1990 to repeal the zoning by-law and to alter conditions of draft plan approval for the Eagle Creek development, the Committee held a second public meeting in November 1990 and submitted a final report to the Minister on February 25, 1991 containing seven recommendations:

- the developer should be required under the Ontario Water Resources Act to regulate, monitor and remediate discharges in the Wetland;
- the development should not be designated under the EA Act;
- the province should approve as soon as possible a Wetlands Policy Statement under the Planning Act;
- the Planning Act should be amended to prohibit activities affecting significant environmental resources prior to final approval under the Act;
- the province should amend or enact legislation to ensure protection of significant wetlands;
- government agencies, when providing review comments under the Planning Act, should clearly state the environmental issues that have been reviewed, that there may be other matters not addressed, and that the public may ask for an environmental assessment; and
- the Ministries of Environment, Natural Resources and Municipal Affairs should develop procedures to ensure that, early in the planning process, all parties are aware of significant environmental resources and of the right of the public to request an environmental assessment.

The Minister announced her decision on the Committee's recommendations on July 2, 1992. Just prior to the Minister's decision, the government approved a Wetlands Policy Statement under the Planning Act.

In her decision, the Minister expressed alarm about the destruction of 21 hectares of Class 1 wetland and about the OMB's decision to remove the approval authority of the Ministry of Natural Resources for the development's drainage plan. She determined, in accepting our recommendation not to require an EA for the development, that designation at this late stage would be relatively ineffective. The Minister, however, instructed the Ministry to consult with MNR to determine whether or not there are grounds for preparing an order under the Ontario Water Resources Act, the Environmental Protection Act, or the Pesticides Act to regulate, monitor and remediate discharges into the Constance Creek Wetland, and if there are grounds to proceed with preparing such an order.

The Minister shared the Committee's concern about the need to control site preparation activities affecting environmental resources that are now permitted under the Planning Act. The Minister indicated that she would be supporting amendments to the Planning Act or regulatory or policy development to address this. The Minister noted that the Commission on Planning and Reform in Ontario would be looking into this matter. The Minister also stated that she would be requesting MOE staff to consider the implications of amending the EA Act and Regulation 205/87 to restrict site preparation when a designation request has been made under the EA Act.

The Minister also supported our recommendation concerning comments by review agencies on applications under the Planning Act. She stated that she would request the Ministers of all commenting agencies to instruct that their comments on such applications include clear statements of the aspects of the environment that have been reviewed, and that other aspects of the environment may also be examined by other ministries. Within MOE, a policy will be developed and a memorandum will be issued to all planning and approval units to emphasize the need to provide clear statements outlining the focus and limitations of reviews and, where appropriate, of the right of the public to request a designation under the EA Act.

In response to our final recommendation, the Minister asked the Committee to coordinate discussions between agencies and the public concerning the development of ministerial procedures to ensure early awareness of environmental resources potentially affected by a development proposal. This review is being conducted during the fall of 1992.

Referral No. 45 - Bradford Public Utilities Commission Well - Requests for Bump-up - and Watertaking in and near the Holland Marsh

The Committee was asked in March 1990 to review requests for a bump-up to an individual EA of a proposed municipal well for the Town of Bradford to be located in the Holland Marsh in King Township. We were also asked to look

at the more general issue of watertaking as it relates to urban growth and farming activities in the Holland Marsh and adjacent areas in York Region and Simcoe County. Concerns had been raised about the potential negative and cumulative impacts of another well on the available groundwater, particularly given the sensitivity of the Holland Marsh and the water needs of the surrounding agricultural users.

On June 29, 1990, the Committee submitted its report to the Minister recommending that the project be bumped up to require an individual environmental assessment. The Committee also recommended the development of a Water Management Plan for the Holland Marsh area, and that this plan be subject to the requirements of the EA Act. If such a plan was not approved under the EA Act, the Committee recommended that an individual EA be required for additional ground water taking over 50,000 litres per day. In addition, the Committee recommended that the government comprehensively review its programs, policies, procedures and resources for ground water management related to land development pressures, and require and assist municipalities under development pressures to develop water management plans under the EA Act.

On August 31, 1990, the previous Minister accepted our recommendation to bump up the proposed well. The Minister also stated that our other recommendations were still being reviewed. The Committee is unaware of any decisions since then on these recommendations.

REFERRALS DURING 1990-92

During the 1990-92 reporting period, the Committee received referrals and reported to the Minister on the following three matters:

- review of the Environmental Assessment Program in Ontario;

- requests for designation of 3 Timber Management Plans and review of Exemption Order MNR-11/9 covering timber management activities; and

- requests for designation of an Official Plan Amendment for the Lake Wilcox-Oak Ridges Planning District in the Town of Richmond Hill.

The following are brief descriptions of these reviews.

Referral No. 47 - Review of the Environmental Assessment Program in Ontario

In 1988, the Ministry began a project to review and improve the EA program. This resulted in a discussion paper entitled "Toward Improving the Environmental Assessment Program in Ontario" prepared by a task force in the Ministry. In July 1990, the Committee was asked by the previous Minister to undertake

public consultation and provide advice on recommendations contained in the discussion paper. This referral was confirmed by the new Minister on December 11, 1990.

During 1991, we consulted with a broad range of groups, individuals and agencies through 7 public meetings across the province, workshops focused on specific topics and written submissions. Over 170 submissions were received. Our report was submitted in two parts, Part 1 on October 31, 1991 and Part 2 on January 27, 1992. Since then, the Minister and Ministry have been reviewing our recommendations.

Referral No. 48 - Timber Management Plans: Exemption Order MNR-11/9 and Designation Requests on three TMPs

On August 31, 1990 , the Committee was asked by the previous Minister to review several matters concerning timber management:

- possible amendments to Exemption Order MNR-11/9, which exempts timber management on Crown land by the Ministry of Natural Resources from the requirements of the EA Act until the Class EA for such activities is approved; and

- designation requests concerning timber management in three areas covered by Timber Management Plans (TMPs) for the Timmins Forest, the Magpie Forest, and the Ranger Lake, Peshu Lake and Superior Forests.

This referral was confirmed by the new Minister on December 11, 1990.

The requests for designation of the Timmins Forest TMP were based on unresolved concerns raised by the Marceau Lake Cottagers' Association over the no cut reserve around Marceau Lake. Quebec and Ontario Paper Company Limited, which holds the Forest Management Agreement for the Timmins Forest, the Ministry of Natural Resources and the cottagers were unable to come to an agreement about acceptable cutting practices and co-management of the area.

The requests for designation of the Magpie Forest TMP and of the Ranger Lake, Peshu Lake and Superior Forest TMPs were based on the concerns of remote tourist operators over the adverse and potentially irreversible impacts of timber cutting activities and associated access roads on their camps, wildlife and wildlife habitat.

The Committee held public meetings in Timmins, Sault Ste Marie, Wawa and Toronto in February 1991 and submitted its report on June 11, 1991. The Minister made her decision on November 19, 1991.

With respect to the exemption order MNR-11/9, the Committee recommended revisions to:

- expand the timber management planning team membership to include other forest users;
- improve the timeframe for public consultation on TMPs;
- consolidate planning for timber access roads formally as part of timber management planning; and
- prohibit timber activities related to a designation request until a decision is made on the request.

In her decision, the Minister stated that the exemption order would be revised to address our recommendations, but instead of requiring expanded planning teams, Stakeholder Committees would be established as an experiment in 10 areas. The exemption order was replaced by MNR-11/10 on August 20, 1992 reflecting these changes.

In criticizing the Ministry's handling of designation requests on TMPs, the Committee recommended the establishment of a new advisory committee, or expansion of EAAC to include a northern member, to automatically review all designation requests on timber activities. The Minister decided that a new member would be appointed to EAAC from northern Ontario, but that referrals of designation requests would continue to be made on a case by case basis. (In addition to the three specific cases reviewed by the Committee, there were, at the time of our review, outstanding requests for environmental assessments of eight other timber management plans. At the same time as her decision on our recommendations, the Minister denied five of these eight requests.) Since our report, no other timber-related cases have been referred to the Committee.

The Committee also recommended that our report be presented to the EA Board hearing on the Class EA for Timber Management. The Minister agreed with this recommendation, and the report was tabled at the hearing shortly thereafter.

The Minister also accepted our recommendation that the Timmins Forest TMP not be designated provided a no cut buffer zone is established around Marceau Lake as defined by an amended viewscape.

As recommended by the Committee, the Minister also decided to require an environmental assessment of a large area around Megasin Lake within the Ranger Lake, Peshu Lake and Superior Forest management units, although the area designated was smaller than the one we recommended. Our recommendation for an expanded planning team to direct this EA was not accepted.

With respect to the designation requests on the TMP for the Magpie Forest, we recommended against designation provided that certain precautions are taken regarding the gating of all new access roads, the approval period of new roads and enforcement of existing prescriptions. Although the Minister accepted

our recommendation not to designate the Plan, she did not accept our recommendation for gating of roads or limited road approvals. However, she stated that she would ask MNR to vigorously enforce other restrictions on the use of timber access roads. The Minister also accepted our final recommendation that MNR undertake studies of the impacts of timber management activities and public access on non-timber resources and the remote tourism industry for incorporation into the next Magpie Forest Management Plan.

Referral No. 49 - Richmond Hill OPA #71 (Secondary Plan for the Lake Wilcox - Oak Ridges Planning District) - Requests for Designation

On September 4, 1990, the Committee was asked by the previous Minister to review and provide advice on requests from the public for an environmental assessment of the Town of Richmond Hill's Official Plan Amendment #71. This referral was confirmed by the new Minister on October 30, 1990. This OPA would provide for land use changes in the Lake Wilcox-Oak Ridges Planning District. The Committee was also asked to consider the effectiveness of master drainage plans in protecting environmentally sensitive areas such as the Oak Ridges Moraine.

The Committee held public meetings and reported to the Minister on March 22, 1991 with the following recommendations concerning this environmentally significant and sensitive area:

- OPA #71 should be subject to the requirements of the EA Act;
- the provincial working committee for the Oak Ridges Moraine should provide technical assistance to the Town in carrying out the EA;
- until a new OPA is approved, the province should not allow any new subdivisions or rezonings, and MOE should not grant approvals for watertaking, water works and sewage systems, in the Planning District; and
- the province should, as soon as possible, finalize its interim Guidelines for land use changes on the Moraine including provisions to address cumulative impacts, and should ensure public involvement in preparing longer term requirements to protect the Moraine.

On August 21, 1991, the Minister announced her decision not to accept our recommendation to designate OPA #71. Instead she directed the Town of Richmond Hill to re-evaluate the OPA to bring it into conformity with the province's new Interim Guidelines for Development on the Oak Ridges Moraine. These guidelines, announced on June 24, 1991, were designed to provide a framework for the evaluation of the impact of development proposals on the Oak Ridges Moraine while the province is undertaking a planning study to establish a long term means of protecting the Moraine's sensitive features. The Minister's decision stated that the Town will need to re-evaluate

development patterns and densities in the area to protect sensitive environmental features, landforms and natural systems, and that it will need to demonstrate how water quality will not be adversely affected by the proposed development.

MONITORING OF EXEMPTION, BUMP-UP AND DESIGNATION REQUESTS

In addition to providing advice to the Minister of the Environment on individual requests for exemption, designation or bump-up, the Committee monitors and maintains a public list of all such requests.

During the 1990-91 reporting period, the Minister received requests concerning 98 undertakings: exemption requests for 13, bump-up requests for 44, and designation requests for 41.

During the 1991-92 reporting period, the Minister received requests concerning 81 undertakings: exemption requests for 19, bump-up requests for 37, and designation requests for 25.

Table 1 summarizes the status of these requests as of September 30, 1992. Tables 2, 3, 4 and 5 give more details on these requests.

Of the requests during the two year period, one has been referred to the Committee - bump-up requests for the Ajax-Pickering Water Supply Plant which was referred in 1992-93. (Our referrals during 1990-92 involved designation requests made to the Minister prior to this reporting period).

As in previous years, the majority of bump-up requests (72 of 81) involve the Class EAs for Municipal Roads and Sewage and Water Projects. Although designation requests have dropped in this past year, they continue to raise questions about the application of the Act to significant private sector projects. As shown in Table 1, three projects have been bumped up and two have been designated: bump ups of expansion of Toronto's Main Sewage Treatment Plant, a road widening in the City of London and sewage and water treatment plant expansions in Mara Township on Lake Simcoe; and designations of a terminal for the transportation of dangerous goods across the Detroit River, and a private landfill in Warwick Township.

The Committee continues to have concerns about the lack of publicly-accepted criteria for decisions on bump-up and designation requests, and the time taken for making these decisions. The Environmental Assessment Branch of the Ministry has taken steps to help address these problems by developing Interim Criteria for Evaluating Exemption, Designation and Bump-up Requests, which will be reviewed after their use for a year. The Committee hopes there will be a public review and Ministerial

decision on these criteria before they are finalized.

The Branch also is attempting to complete their reviews of requests more efficiently. However, it is generally very difficult for decisions to be made on bump-up requests within the 45 day period set out in the municipal class EAs.

Also, in the case of municipal class EAs, bump-up requests that are received prior to completion of an Environmental Study Report (ESR) are, as a matter of course, treated as "premature". While this is appropriate for the majority of requests received early on in the municipal class EA planning process, it is important that particularly contentious and significant projects be identified early and, where warranted, bumped up, rather than waiting for the proponent to complete the class process and then be required to begin again under the individual EA process.

Table 1

Undertakings for which Exemption, Designation, or Bump-up was Requested, April 1, 1990 - March 31, 1991 and April 1, 1991 - March 31, 1992

	Exemption		Bump-up		Designation	
	90-91	91-92	90-91	91-92	90-91	91-92
Total Requests	13	19	44	37	41	25
Status (as of September 30, 1992)						
Granted	12	15	2	1	1	1
Denied	0	0	27	19	22	16
Pending	0	3	4	11	12	6
Other*	1	1	11	6	6	2
Requests Referred to EAAC**	0	0	0	1	0	0

* Other includes undertakings under federal jurisdiction, withdrawn undertaking withdrawn requests, and requests which were considered premature.

** The referrals are counted according to the year in which the request was made to the Minister.

Table 2 - Categories of Exemption Requests for 1990 - 92 (32 undertakings)

Municipalities

11 municipal interim landfill expansions *

1 municipal waste amendment

3 municipal clean-ups and remediation

2 marina and waterfront developments

1 public amenities development area

1 municipal water project

Ministry of Government Services

1 land disposition to a municipality

1 land management program extension

Ministry of Northern Development and Mines

1 mine rehabilitation

Private Sector

1 interim landfill expansion

Ministry of Natural Resources

1 Crown land disposition for cottage lots

1 parks management program extension

1 socio-economic improvements - Lac La Croix

1 special employment program

GO Transit

2 projects

Ministry of Transportation

1 airport project

Ministry of Environment

2 site clean-ups and remediation

* There is a MOE policy on interim landfill expansions.

Table 3 - Categories of Bump-up Requests for 1990 - 92 (81 undertakings)

Class EA for Municipal Road Projects

38 road projects

Ministry of Transportation

Class EA for Provincial Highways

4 highway projects

Ontario Conservation Authorities' Class EA for Water Management Structures

1 channel dredging

1 shoreline stabilization

Class EA for Municipal Sewage and Water Projects

34 sewage and water projects

Ontario Hydro's Class EAs

1 upgrading of a transmission line

1 redevelopment of a generating station

Ministry of Natural Resource's Class EA for Timber Access Roads

1 timber access road

Table 4 - Categories of Designation Requests for 1990 - 92 (66 undertakings)

Gravel Pits/Quarries

6 new gravel or mineral extraction projects

1 quarry expansion

Timber Management Activities

9 MNR timber management plans

1 timber access road

Waste Treatment/Disposal Facilities

4 private landfills

1 private landfill expansion

2 biomedical waste incinerator

Other Private Sector

1 marina development

1 storage/burial of tires

1 handling of dangerous goods

1 aggregate shipping route

1 cottage lot development

1 construction of fish pond

Hydro-electric Projects

3 private sector hydro generation projects

3 public sector hydro generation projects

Land Development Projects

15 residential developments

2 large mixed land use developments

1 OPA involving development for mixed uses

1 marina development

1 waterfront park

1 sports complex

1 industrial park

Other Public Sector

1 lake dredging and draining

1 school relocation

1 fish ladder

1 removal of trolley busses

1 natural gas pipeline expansion

1 road drain

1 transitway

1 rail repair yard

Table 5 - Status of Designation Requests
April 1, 1984 - March 31, 1992

Year	Private Sector	Public Sector **	Total	Status as of September 30, 1992 Granted	Denied	Pending	Other*
1984-85	2	3	5	-	5	-	-
1985-86	9	6	15	-	9	1	5
1986-87	15	8	23	2	5	2	14
1987-88	16	9	25	2	18	1	4
1988-89	19	7	26	3	16	2	5
1989-90	25	16	41	5	25	7	4
1990-91	24	17	41	1	22	12	6
1991-92	13	12	25	1	16	6	2

* Other includes withdrawn undertakings, withdrawn requests and undertakings under federal jurisdiction.

** Public sector designation requests are for public undertakings which are either not subject to the Environmental Assessment Act or have previously been exempted.